



The Antinomies of Academic Freedom: Reason, Trans Rights, and Constituent Power¹

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ABSTRACT

This article challenges the dominant conception of academic freedom by critiquing the liberal philosophy that underpins it. The article uses recent issues around trans rights in both public and academic librarianship to show how the dominant liberal conception of academic freedom supports transphobia. It then uses Antonio Negri's theory of constituent power to offer an alternative perspective on academic freedom and how this alternative conception might better support trans rights in universities and libraries.

Keywords: *academic freedom · freedom · liberalism · Marxism · politics · power · trans rights*

RÉSUMÉ

Cet article pose un défi à la conception dominante de la liberté académique en contestant la philosophie libérale qui le soutient. L'article se base sur les polémiques récentes autour des droits des personnes transgenres dans les bibliothèques publiques et académiques également, pour démontrer comment la conception dominante de la liberté académique soutient la transphobie. En plus, il utilise la théorie de la pouvoir constituante d'Antonio Negri pour offrir une perspective alternative sur la liberté académique et comment cette perspective peut mieux soutenir les droits des personnes transgenres dans les universités et les bibliothèques.

Mots-clés : *droits des transgenres · liberté académic · liberté · libéralisme · marxisme · politique · pouvoir*

1. The title of this article refers back to Michael Harris' 1986 paper "The Dialectic of Defeat: Antimonies [sic] in Research in Library and Information Science" (Harris 1986), an important critique of the social science positivism of LIS research and forerunner of much of today's critical librarianship research. I would like to thank Lisa Sloniowski, Karen Nicholson, and Jane Schmidt, as well as two anonymous peer-reviewers, for valuable comments on earlier drafts of this article.

IN her discussion of libraries and feminist pornography, Lisa Sloniowski underlines the importance of a meta-perspective on library work, writing that “for those interested in exploring scholarly questions emerging from their practice of librarianship, attempting to build a feminist porn archive also creates a perfect opportunity to investigate ways in which our institutional practices play a role not only in the preservation of diverse material but in the actual production of cultural histories” (Sloniowski 2012, 17). Indeed, this meta-perspective is necessary if academic library workers are to recognize the ways in which library work itself – often under the cover of academic freedom – “invariably exclude[s] certain lived experience while fixing others into place” (Sloniowski 2012, 17). It is precisely this fixing of other realities through a particular, historical version of “reason” that, I will argue, lies at the heart of the dominant conception of academic freedom. Academic freedom serves to “fix” individuals into an ordered hierarchy by cutting them off from social relationships.² While much research has been done on the ways in which technical work such as cataloguing and classification reproduce taxonomies of hierarchy and exclusion (Olsen 2002; Higgins 2016; Bone and Loughheed 2018), I am interested here in two recent cases where intellectual and academic freedom have been used to further the marginalization of transgender people.

In the autumn of 2019, Toronto Public Library (TPL) rented space to Radical Feminists Unite, a gender critical (i.e. transmisic) group which had invited Meghan Murphy, creator of the *Feminist Current* blog, to speak about gender and the law. Murphy has long been an outspoken critic of Bill C-16, the law that included gender identity and expression as protected characteristics in the Canadian Human Rights Act and the Criminal Code.³ Murphy is a polarizing figure in debates over trans rights and has been permanently banned from Twitter for misgendering trans people. Due to her notoriety, much of the criticism of the TPL room rental focused on Murphy’s presence, and TPL framed its intellectual freedom defense around Murphy’s individual rights against the collective will of community members. Toronto City Librarian Vickery Bowles’ rhetorical shift in her public communications from the

2. The ways in which academic disciplines have “extracted” research from various communities without building relationships first is a major issue of research ethics and is now finally being addressed in various fields. In academic librarianship, one of the major ways this lack of relationality plays out is in our treatment of Indigenous people, both as library workers and members of the academic community, but also as community members more broadly (see Bak, Bradford, Loyer, and Walker 2017; Caidi, Ghaddar, and Allard 2017, 398-399). Karen Nicholson notes with respect to the “audit culture” of academic libraries, that “Building relationships with students, faculty, colleagues, vendors, etc., the affective labour that is key to our work, is seen to inefficient because it can’t be counted. It is only the material result of that relationship, be it a consultation, class, or a contract, that counts” (Nicholson 2017, 16).

3. Bill C-16 (2016) became a focus of right-wing, anti-trans anger, made Jordan Peterson a public figure, and lay at the heart of the Lindsay Shepherd academic freedom case at Wilfrid Laurier University. Dean Spade offers a critique of trans protection legislation from a police abolitionist perspective in (Spade 2015).

usual library term “intellectual freedom” to “free speech” (Popowich 2019a; Popowich 2019b) not only linked the room rental controversy with broader cultural debates over freedom of expression, but also clearly prioritized Murphy’s freedom of expression as an individual.

In 2020, a University of Alberta professor of anthropology, Kathleen Lowrey, was dismissed from a three-year term as departmental undergraduate programs advisor after students complained that her “gender critical” views – some of which were posted on her office door – made them feel unsafe. The focus of Lowrey’s defense – outlined by Lowrey in *Quillette* (Lowrey 2020) and Carolyn Sale on the *Ryerson Centre for Free Expression* blog (Sale 2020) – positions individual professors against the collective or organizational power of the university or collectivity of students. When Sale argues that “universities must never become homes for orthodoxy of any kind”, “orthodoxy” is equated with collective opinions or values. Any idea, value, or belief held in common risks becoming “orthodoxy.” This position exemplifies Sarah Ahmed’s view of the way students are positioned as “a threat to education, to free speech, to civilization, even to life itself,” pointing out that such characterizations not only speak *against* student perspectives, but “also speak *for* more or less explicitly articulated sets of values: freedom, reason, education, democracy” (Ahmed 2015). To challenge the orthodoxies of academic freedom and librarianship in the name of social justice is, therefore, not simply engaging in critique, challenge, or protest, it is seen to be *against* the fundamental values of western liberal-democracies; it is by definition *unreasonable* and *irrational*.

It is important to distinguish up front what we mean by intellectual and academic freedom. The two concepts are related, but distinct. Walter P. Metzger, writing in the *Texas Law Review*, has usefully distinguished between a professional and a constitutional definition of academic freedom. The first definition derived from European – especially German – concerns around limiting academic authority in the late 19th century, and involved freedom for professors to teach what they wanted, freedom of students to follow any course of study they wanted, and the freedom of the academic body to self-govern (Metzger, 1988, 1269-1270). This definition was eventually enshrined in 1940 in a statement on academic freedom by the American Association of University Professors (AUPP) and forms the basis of academic freedom in Canada as well. The second definition derived from the constitutional protection of freedom of speech and expression. Intellectual freedom also arises out of this constitutional norm, whether it is enshrined in the First Amendment of the US Constitution, the Canadian Charter of Rights and Freedoms, or the UN Declaration of Human Rights. This constitutional definition unites academic freedom and intellectual freedom, but academic freedom also includes the professional aspects noted above. From the beginning, in Metzger’s view, North American academic freedom had to deal with the question of whether it was limited to a professor’s professional work or expertise, or whether it gave a “blanket immunity” to professorial speech. In the end the AUPP report on academic freedom rejected any effort to prevent faculty members from speaking out on any controversial topic,

to limit them to their areas of expertise, or to deprive them of the broader right to freedom of expression.⁴ Metzger writes that academic freedom includes “not just freedom to teach and enquire... but also ‘extramural freedom’, by which is meant not freedom to speak beyond the walls, but freedom to speak without the warranty of a professional task or an acknowledged expertise” (Metzger 1988, 1275). We can see here how academic freedom blends with intellectual freedom beyond the limits of professional academic activity.

There are many issues at stake in the two cases mentioned above, and the ways in which intellectual and academic freedom are seen to have been attacked or violated have been thoroughly described (Schrader 2019; Turk 2019; Schrader 2020; Sale 2020; Lowrey 2020). What I want to focus on is the underlying logic that unifies these defences of intellectual and academic freedom. The binary opposition of individual versus society is just one example of a binary dualism that lies at the heart of liberal thought and political philosophy in Western democracies. These binaries have been challenged by Indigenous thinkers (insisting on relationality), Marxists (insisting on the dialectic), feminists (critiquing “natural” binaries) and postmodernists (insisting on non-binary difference),⁵ but the unconscious and unacknowledged liberalism of binary thinking persists. In both cases just mentioned, the organization (library or university) is expected to defend the principle or policy of intellectual/academic freedom as an *individual* right against the desires of a constituent multitude. Individual speech is considered diametrically opposed to collective action, thereby automatically dismissing the possibility of harm done via speech (as opposed to offense). Alvin Schrader’s defense of intellectual freedom principles argues that “unfettered discourse fosters individual self-fulfillment and self-actualization, and this directly engages individual human dignity” (Schrader 2020), while a blog post solicited by TPL from James Turk ignores any question of harm or injury, focusing solely on the question of offense (Turk 2019). All of the non-liberal social theories that challenge binary thinking do not see individuals as distinct from society, and therefore reject the dominant conception of intellectual and academic freedom that positions isolated, self-determining individuals against collective power. They also do not subscribe to a binary distinction between speech and action. The protests that materialized in Vancouver, Toronto, and Seattle against transmisic speakers have been decried by defenders of intellectual freedom as censorship and as the unwarranted use of material action against “mere” speech, but if we reframe

4. It is important to note that speaking out on controversial topics remains an important element of academic freedom. The point I am trying to make is that academic freedom is not independent of the social structure and power relations of capitalist society. The exercise of academic freedom, like the exercise of intellectual freedom, is not free in any absolute sense, but is subject to the constraints of objective, material conditions, and is never without social and political consequences.

5. Perhaps the best-known postmodern critique of binary opposites is the deconstruction associated with Jacques Derrida.

intellectual and academic freedom to take such expressions of collective power seriously, then we might be able to develop a new conception of both which will be better positioned to support and further the goals of social justice.

Intellectual and academic freedom are often framed within librarianship and academia as pure, unmediated concepts (i.e. that there is something called freedom unmixed with necessity or constraint). If, as I will argue in this paper, the reverse is true and both reason and freedom are historical, relational, and always tempered by what is often considered their opposite (irrationality, censorship, etc.), then we cannot uncritically rely on them to guarantee social justice. Rather, we must embrace the political commitments of academic and library work and insist on a conception of academic freedom which will support and extend them.

Transgender people, simply by existing, challenge the comfortable binary logic of liberal social theory, the social order that divides people into strict gender binaries, and conceives only of individuals, never of social relationships. The issue of trans rights therefore provides a signal opportunity to interrogate academic freedom from the meta-perspective of individualism and binary logic, and indeed trans rights have become a subject of major controversy not only in public libraries and academia,⁶ but as part of a larger cultural debate over accountability, speech, and cancel culture.⁷ Faculty fear that they will lose their positions, privilege, and social power due to their opinions or research, especially around gender (Fazackerly 2020; Sale 2020), while the rental of library space to gender critical or transmisic speakers has resulted in the banning of Vancouver Public Library from the 2019 Vancouver Pride parade. A large protest against the Radical Feminists Unite talk at TPL and the kettling of protesters in a public library branch by police (Winsa 2019) as well as similar protests in Vancouver and Seattle indicate the collective nature of the response to transmisic speech, but positioning intellectual/academic freedom as an individual right against collective power misunderstands the relationship of individual to society as such. When *Library Journal* awarded Seattle Public Library its Library of the Year award, a petition to revoke the award gained nearly 2000 signatures, but it is in the interest of the social order liberal thought supports and maintains to dismiss such a collective response (and indeed *Library Journal* did just that).⁸ That all of these controversies centre around the rights of trans people to live as they please is no accident. The fear

6. The broader academic context is the so-called “free speech crisis” on North American campuses (MacKinnon 2018), largely manufactured by a resurgent right looking to gain legitimacy for its views by airing them at institutions of higher learning (Davies 2018; Malik 2019; Wolff 2020).

7. For example, in the 2020 open letter on “justice and open debate” (Harper’s 2020), and the responses to it (Bragg 2020; Donegan 2020).

8. The idea of “dismissal” will recur throughout this paper, echoing Sara Ahmed’s placement of dismissal at the heart of a particular style of politics (Ahmed 2014, 133).

of being “cancelled” – whether as a professor, as a ciswoman, or as a professional publication – the fear of losing some or all of the privilege and power one holds in society combines with the fear of the fluid, irrational (“basically unfathomable” [Spade 2015, xii]) transgender Other, making trans rights an acute site of political contestation in universities, libraries, and in society as a whole.

Intellectual and academic freedom are often deployed in ways that suggest that their definitions are self-evident and uncontested, but as the recent events described above have shown, intellectual and academic freedom are heavily contested and far from settled. Faced with calls for social justice, recognition, and equitable distribution of wealth, power, and opportunity, the “common sense” liberal theory of academic freedom, which often goes unquestioned and unacknowledged, must face up to its implications within structures of power and privilege. It must recognize that, far from being an unquestionably progressive, well-defined instrument of social justice, it is in fact part of the toolkit of subjection used by late capitalism against already oppressed identities. As we will see, while many identities are subject to the oppressive structures of the late capitalist university and its libraries, transgender people are the target of particular forms of subjection defended in the name of intellectual and academic freedom.

In this paper, I want to look at the way intellectual and academic freedom are deployed against trans rights in the name of social justice and progress. Having identified binary oppositions as a useful lens through which to explore these issues, the paper will address a set of supposed oppositions in turn: the individual versus society, knowledge/speech versus power/action, form versus content, and order versus anarchy. In each case, I hope to show that the maintenance of such oppositions commits us to a particular worldview that prevents intellectual and academic freedom from accomplishing the progressive goals librarianship and academia claim to be pursuing.

Opposition: Individual/Society

Even the most unquestioned, common-sense core value – such as intellectual or academic freedom – contains within it a whole set of philosophical assumptions and political commitments. Academic freedom, derived from classical liberalism and occasionally updated to take account of the changing moments of capitalist development (see Alfino and Koltutsky 2014), relies not only upon a “methodological individualism” (Bhaskar 1979, 29), in which all social phenomena can only be understood in terms of individual agency, but upon a particularly individual conception of reason in which the mind disciplines and orders the unruly passions of the body (e.g. in Descartes. See Taylor 1989, 200; Malm 2018, 50–52). Reason,

in this view, is an inherent faculty of individuals, self-created, and self-directed, completely autonomous (Mill 1991, 31). These two perspectives – social individualism and individual reason – entail a social theory in which 1) individual people count, but social relations and the collectivities they make possible do not and 2) a mind-body dualism in which the individual confronts these collectivities the way the mind confronts the body: as a threat to its intellectual freedom and rationality. The rational mind controlling the body seeks to extend its rationality as an ordering principle in society at large to protect its own individual freedom. This two-fold individualism makes it impossible for a dominant social formation to see structures of marginalization or oppression as systemic: racism, sexism, transmisia, and police brutality are the product of “a few bad apples” rather than unconscious collective responses with particular social, political, and economic goals.⁹

Non-liberal social and political theories challenge both the individualism and the conception of reason held by classical liberalism embedded in the dominant conception of academic freedom. Most of these non-liberal philosophies are characterized as postmodern (poststructuralism, for example), but contemporary Marxisms and feminisms as well as Indigenous thought, distinct from postmodernism, also challenge the individualist and rationalist philosophy of liberalism. In their place they insist on social relationships (in, say, Métis conceptions of kinship, relationality and reciprocity, but also in the Marxist privileging of the dialectic and the concept of reification), and the social construction of individual subjects.¹⁰ These social theories see individuals as born into already existing sets of social relationships, like language, or family, or property laws, and their intellectual perspectives – their minds, values, opinions, beliefs, and knowledge – as produced by those social relationships. While individual actions serve to reproduce and transform these relationships, neither social relations or individual agency is solely responsible for the nature of a society. In other words, “the causal power of social forms is mediated by human agency” (Bhaskar 1979, 26; see also Archer 2003, 1-5). The production of subjectivity by pre-existing social relations, which we might call “subjectification” and which is a necessary aspect of social existence and the reproduction of society from generation to generation, is itself subject to social and political forces – of hierarchy, differentiation, oppression, and marginalization – which turn subjectification into “subjection.” Trans activist and Seattle University law professor Dean Spade describes this kind of subjection as the ways in which “power relations impact how we know ourselves as subjects through... systems of

9. A signal example of this was in RCMP commissioner Brenda Lucki and Alberta deputy commissioner Curtis Zablocki’s denial of systemic racism within the RCMP (Tasker 2020; Huncar 2020).

10. The foundational text of social construction is Berger and Luckmann (1966), but the idea of the reproduction of society through the production of individual subjects is key to the social theory of both Hegel and Marx, for example in Marx’s classic formulation of historical materialism in the preface to *A Contribution to the Critique of Political Economy*, which appeared in the same year as Mill’s *On Liberty* (1859).

meaning and control” (Spade 2015, 6). Liberal social theories, and therefore academic freedom, see “how we know ourselves as subjects” as a realm of freedom that has nothing to do with “systems of meaning and control”; indeed, any attempt to take “meaning and control” out of the hands of the individual (into the hands of the university or the state, for example, but also into the hands of the community) is by definition the tyranny of the collectivity over the individual. Subjectivity and subjection are both, from this perspective, morally wrong and must be resisted in the name of the sovereign individual and individual reason. For structural theories of identity-formation on the other hand, subjectification is a negotiable, navigable dialectic of freedom and necessity, self and other, seen not as binary oppositions but as relationships and reciprocities; subjection, by contrast, is an experience of domination.¹¹ Liberal theory erects concepts that are based on and support an individual, rational ordering of the world as an “ideological self-defence” (Lukács 1971, 32) against a set of social, political, and economic forces bent on oppressing and marginalizing anyone who threatens the social order. If we want to challenge and transform this social order – and I would suggest this as a goal of academic librarianship – then we need to unpack liberalism’s self-defence, its conception of individual reason, and the social order it protects. Academic freedom and trans rights provide an opportunity to do just that.

Opposition: Knowledge/Power, Speech/Action

The alienation of people from each other through hierarchy and the weaponization of difference is a requirement of racial, heteropatriarchal capital which, paradoxically, requires cooperation in terms of work but is threatened by social and political solidarity or community. The issue of trans rights therefore provides an important opportunity to interrogate academic freedom from the meta-perspective of individualism and binary logic. On June 6 2020, author J.K. Rowling took public exception on Twitter to the expression “people who menstruate” in an article on the effects of the COVID-19 pandemic on global menstrual health (Sommer, Kamowa, Mahon 2020). Rowling saw the use of the expression as a denial of the specific lived experience of “women” (understood as cisgender), one of the positions often taken by gender critical feminists. For a number of years, Rowling has been accused of transmisia (Zacny 2019), and the pen-name she chose for her post-Harry Potter mystery novels was taken from a psychiatrist who practiced conversion therapy (Sass 2020). Rowling’s defense of her views in two online essays provoked more public backlash, making her an example of what has come to be described as cancel culture. A month after the initial tweet, Rowling was one of the signatories of an

11. In *Empire*, Hardt and Negri’s study of neoliberal globalisation, they describe the institutions of capitalism as “factories of subjectivity” (Hardt and Negri 2000, 196).

open letter published in *Harper's* decrying cancel culture in the name of "justice and open debate." The letter enunciated one of the core justifications for intellectual and academic freedom, that "the free exchange of information and ideas [is] the lifeblood of liberal society" (Harper's 2020). This letter was condemned not only as simply echoing uncritical and unsophisticated bromides about liberal society, but as shoring up the immense privilege and power of its signatories, many of whom are academics, and all of whom have sizeable followings and broad platforms on which to express their opinions. What these signatories want, it was pointed out, is not free speech but freedom from the *consequences* of speech. Trans activism, BlackLivesMatter, and #MeToo appear to have inaugurated a new spirit of accountability. As singer Billy Bragg put it in a column in the *Guardian*, "a new generation has risen that prioritises accountability over free speech. To those whose liberal ideals are proving no defense against the rising tide of duplicitous authoritarianism, this has come as a shock" (Bragg 2020). In terms of trans rights, some of the greatest shocks to those who otherwise see themselves as progressive, liberal defenders of free speech, are the consequences of what, to them, seems like an innocuous insistence on the "truth" of biological essentialism and binary sex or gender.

The requirement to recognize the humanity of trans people may seem new and radical to someone like J.K. Rowling, but trans activism has a long history. Despite the tradition of trans activism and resistance culminating in a series of uprisings in the 1950s and 1960s, like the Compton's Cafeteria riot of 1966 (Stryker 2008); despite the longstanding availability of narratives of the trans experience (such as Morris 1974); and despite the presence of an organized trans liberation movement by the late 1990s (Feinberg 1998), trans rights continue to be denied by both self-proclaimed progressives and unabashed reactionaries. The open ideological struggle inaugurated by the election of Donald Trump in 2016 appeared to many to have come out of nowhere, suddenly making transphobia, gender essentialism, and heteronormativity reappear with new inflections in the context of right-wing resurgence, cutting trans rights off from genealogies of trans resistance, making trans rights appear as *new* demands, and therefore subject to discriminatory debate (in classrooms and public libraries) in a way that, say, gay rights or women's rights no longer are. Needless to say, all these dynamics take place in a context of widespread violence against trans people (Taylor and Peter 2011).

A large part of this debate – over free speech in general, and trans rights more specifically – hinges on a (binary) distinction between speech and action, the idea that "words are not deeds" (Bracken 1994; see also Fish 2006), that offense is not harm. This distinction – a vestige of the mind/body dualism described above – draws a hard line between knowledge (thought) and material power. Vickery Bowles'

rhetorical shift from “intellectual freedom” on October 12 (Bowles 2019a) to “free speech” on October 15 (Bowles 2019b) not only connected the TPL controversy to the wider debates around freedom of speech, but shifted the terms of the debate from a substantive “freedom,” which could be construed in a real material way, to “speech,” strictly divided from material reality, power, or harm. The signatories to the Harper’s letter, too, draw a hard and fast distinction between speech and power: “we need to preserve the possibility of disagreement [speech] without dire professional consequences [power],” the letter reads, explicitly erecting a barrier between speech/ideas on the one hand and material power (consequences) on the other. The letter goes on to argue that “we uphold the value of robust and even caustic counterspeech, but it is now all too common to hear calls for swift and severe retribution in response to perceived transgressions of speech and thought.” Material retribution is, in this view, a fundamentally inappropriate response to “speech and thought”; an example of the kind of false binary opposition that sits unchallenged at the heart of our social, political, and intellectual life. It is no accident that trans rights have become the touchstone of challenges to such binary oppositions, and that transmisia upholds the essentialism of binary sex against the fluidity of non-binary gender identity.¹² For librarianship, the fundamental issue is between the profession’s rationality (its valorization of data, information, knowledge, and wisdom) and the material structures of power in which libraries are embedded and which they reproduce through their cultural and intellectual work (from classification, to instruction, to circulation policies). In order to see how this operates within academic librarianship, we need to understand the ways in which academic freedom (like intellectual freedom) attempts to mystify and obscure the contradictions inherent in the dualism of speech and action.

The criticism of intellectual and academic freedom laid against TPL and Kathleen Lowrey is in reality a challenge to the various binaries enumerated here: individual versus society, mind versus body, truth versus power, speech versus action. In his defense of TPL, James Turk reduces the entire debate to one of speech and hurt feelings: “The question is, in a democratic society, whether anyone’s offense at someone else’s expression gives the right to prevent others from hearing it in a public place. The answer is ‘No’” (Turk 2019). Similarly, in her defense of academic freedom in the Kathleen Lowrey case, Carolyn Sale criticizes students’ “‘perception’ that an idea or a set of ideas harms them” (Sale 2020), thus erasing the very real, material danger to trans lives in a society predicated on their irrationality and Otherness.

Neither Turk nor Sale can overcome the strict distinction between ideas/speech/

12. It is important to note, however, that the relationships between “trans,” “agender,” and “non-binary” are still being worked out, and that trans and non-binary should not be taken as simple equivalents. See, for example, Practical Androgyny (2011). Nevertheless, any and all of these identities challenge the strict, unchanging gender binary of Western society.

offense and power/material reality/harm, thereby allowing material structures of oppression and marginalization of transgender people to go unchallenged in any kind of transformational or abolitionist way.¹³

The combination of individualism and rationalism in academia and librarianship means that any conception of social justice as a goal of intellectual or academic freedom can only take the form of an affirmative rather than a transformative model of redress (see Fraser and Honneth 2003, 74), in which minor adjustments, like Indigenous intern positions or statements of LGBTQIA+ solidarity, are seen as affirming a commitment to equity, diversity, and inclusion (EDI) while leaving the fundamental structures of marginalization and oppression unchanged. The way to achieve social justice, in this view, is through recognition, statements of solidarity, or rhetorical commitments, rather than through material transformation of the structures of injustice themselves. Such transformation, it is argued, will happen automatically in some unknown future, as long as we follow the correct procedures (including the protection of individual rights).¹⁴ A commitment to this kind of affirmative, deferred version of social justice is explicit in James Turk's defense of TPL's room rental, where challenging the individualism and rationalism of intellectual freedom "will undermine one of the foundations for achieving social justice in Canada" (Turk 2019). The idea that free and open debate, intellectual and academic freedom, will automatically lead to some more just future state ignores the ways truth and knowledge are deeply implicated in structures of power. In a society awash with far-right thuggery, police brutality, and "duplicitous authoritarianism," liberal conceptions of reason, truth, and freedom can only support, never challenge, such structures.

Opposition: Form/Content

If knowledge and power are binary opposites, then concrete acts of oppression or marginalization can only be understood (and dismissed) as failures of knowledge: mistakes, aberrations, or misunderstandings. This entails that such mistakes can be addressed – and can *only* be addressed – through the application of "correct" (scientific, liberal democratic) procedures (Botstein 2018) to arrive at better knowledge. This is apparent in calls for "due process" in cases of academic freedom infringement such as Lowrey's, and in reference to the law as the only legitimate constraint on intellectual freedom, as when TPL claimed that only an infringement of the Charter of Rights and Freedoms or the Criminal Code would be grounds

13. It is important to include trans rights in a holistic view of social justice which includes police and prison abolitionism, as in Stanley and Smith (2011) and Spade (2015).

14. This view is explicitly taken by John Rawls in his theory of justice (Rawls 2009, 44). Rawls is a touchstone figure for the dominant (liberal) theory of intellectual and academic freedom (see Alfino 2014a, 26–32).

to terminate a room rental agreement.¹⁵ Aberrations and mistakes are never, in this view, due to racist, sexist, or transmisic commitments, but are simply errors in knowledge, understanding, or interpretation to be mechanically corrected through the application of procedure,¹⁶ such as open debate and free discussion. They are never evidence of structural inequalities and power imbalances and they are certainly, in this view, no reason to discard the eternal, universal certainties of liberal thought (i.e. individualism and reason) as such. Indeed, as in the *Harper's* letter, aberrations and mistakes, far from requiring us to interrogate structures of power and oppression, become pretexts for returning to the high liberal values and perspectives from which benighted society is conceived to have fallen.

Amongst these values – and here we have the “neutrality” which libraries and intellectual freedom holds dear – is the idea that liberal society is agnostic toward any conception of “the good” (Rockefeller 1994, 90). Since white, property-owning, bourgeois “gentlemen” originally shared a common set of values, assumptions, and rationality, and were protected from marginalization by their wealth and social position, their disagreements were indeed fundamentally trivial and took place purely on the immaterial plane of opinion and thought (Popowich 2019c, 100ff). The values of this class, embodied in the Early Modern rationalist philosophy that became liberal theory, were seen as objective and neutral – common-sense – and not subject to debate, while the values of everyone else – white women, people of colour, and ethnic minorities, for example – were framed as irrational and “cultural.” Such shared “objective” values meant that the use of force was automatically precluded between gentlemen or by the state against them (since the state is there to protect gentlemen’s interests, for example in Locke’s political theory). Power exercised against peasants, women, or colonial subjects, of course, was not considered power at all, but – following the dualist’s model of the mind’s control over the body – simply the rational extension of white, bourgeois, patriarchal mastery over the undisciplined elements the masters were forced to put up with (see, for example, Mill 1991, 31). For libraries, this exercise of cultural mastery appears again and again as a principle of social order, for example in the collection and dissemination of “useful literature” (i.e. not fiction) (Wiegand 1986, 10), in the instilling of explicitly bourgeois values in working-class publics (Black, Pepper, and Bagshaw 2017, 43), and in the “civilizing mission”

15. In the wake of the Kulaszka memorial controversy in 2017, TPL revised its room rental policy specifically to be able to deny or cancel a rental if the rental would be used for the purposes of promoting “discrimination, contempt, or hatred” (TPL 2017; TPL 2018), a policy change many critics of the Radical Feminists Unite rental pointed out. TPL ignored this point and referred to the Charter of Rights and the Criminal Code in their defence of the room rental.

16. A similar logic explains the continuing orientation in Library and Information Studies towards value-free social science (Popowich 2019c, 230ff) as well as what David James Hudson has called the “whiteness of practicality” in librarianship (Hudson 2017).

of early public libraries which was (and continues to be) deeply implicated in other ordering principles, namely whiteness and femininity (Schlesselman-Tarango 2016).

The assumption of shared bourgeois values and an instrumental focus on process and method combine in a “procedural liberalism” (Rockefeller 1994, 90; Taylor 1994, 56-57) in which liberal society leaves individuals to follow their own conceptions of the good and merely protects individual rights through the (“neutral”) application of procedure, law, or policy. Power, in this view, is legitimate as and when it follows the formal procedures which guarantee rights, when it remains “neutral” with respect to any particular set of values. Liberal social justice can therefore be understood as a formalism devoid of any normative content. We can see here how “debates” over trans humanity and trans rights follows this logic of evacuating the real content of people’s lives and replacing it with a dead, abstract set of procedures. On October 22, 2019 – one week before the Radical Feminists Unite event – a Toronto Library Board meeting brought out a large number of trans people and allies. A petition of over 6,000 signatures was presented asking the Board to cancel the rental, and many trans people testified to the violence and harm they face on a daily basis (Robertson 2019). The Board meeting was, in fact, merely a pro-forma adherence to the rules of procedure, and the decision to allow the rental to go ahead was never at any serious risk of revision. Indeed, one board member, City Councillor Gord Perks, scheduled a Twitter thread justifying the decision while the Board meeting was still going on. This adherence to procedure at the expense of the real content of lived experience is a way for hegemonic liberalism to dismiss the irrational Other from all questions of meaning and value; it also explains why “biological sex” becomes such a touchstone for anti-trans essentialism (Sun 2019). Trans people who by definition violate the unacknowledged binaries of liberal society also threaten orderly methods and procedures. They therefore become one of the subaltern identities it remains safe to hate (“ungrievable” to use Judith Butler’s phrase [Butler 2020, 11 and *passim*]), and the agnostic proceduralism of liberal thought, which does not acknowledge its own values and presumptions, is used to justify that hatred.

However, the conception of liberal society as agnostic towards any particular conception of the good is wrong. The unquestioned values of cis, white, patriarchal property-owners become the unconscious values of a “procedural republic” (Taylor 1994, 58) in which individuals are left to follow their own conception of the good, social and communal relationships are meaningless, and inequalities or oppression is never structural but merely the result of a few bad apples. However, the proceduralism of the liberal state does not simply (neutrally) guarantee the rights of individuals, it commits to individualism as a good because individualism (competition, lack of solidarity) is a requirement for profiting off private property.

The idea that liberalism has no normative commitments is exposed as a fraud. When it defends the expression of racism, white supremacy, or transmisia in the name of intellectual freedom, intellectual freedom becomes merely a euphemism hiding a liberal procedural commitment to a particular good: the fracturing of society along the lines of identity, the impossibility of any kind of collective action, of a community proposing, supporting, and achieving its own vision of a good society. The problem is that along with most white liberal society, librarianship has been taken in by the idealist, individualist vision of liberal political theory. It has fallen for the idea that it is a neutral guarantor of the individual right to pursue one's own conception of the good, and is therefore oblivious to the fact that it is committed to – and actively engaged in – the reproduction and maintenance of a particular form of good (racial capitalism) that is actively harmful to society and the planet.

By suppressing these conceptions of what it considers good, by making everything the subject of free, individual choice, liberal political philosophy has no real way of understanding power except as tyranny.¹⁷ Even though liberal society attempts to evacuate or dismiss questions of power, power always returns. When it does, the supremely rational and pure searchers after truth find it very difficult to confront, often withdrawing behind the comfortable abstractions of philosophy itself, simply allowing material power to do what it likes. For example, in Kandiuk and Sonne de Torrens' investigation of academic freedom for librarians "in a litigious age," they suggest that *knowledge* of rights, legally enshrined in a variety of documents from collective agreements to the Canadian Human Rights Act, is the best defense against attacks on academic freedom (Kandiuk and Sonne de Torrens 2015). They do not recognize the idealism of this position, the contingent (and class-based) nature of rights, the futility of legal reform under capitalism, and consequently the requirement of antagonistic material struggle to achieve justice independent of legally-enshrined rights.¹⁸

Such rationalism renders all conflict purely discursive, matters of opinion, ideas, knowledge, or values. Trans oppression and transmisia become simply differences of opinion rather than the denial of humanity from an entrenched position of real power. The only way to challenge transmisia then becomes itself discursive: the countering of one opinion by another, the countering of ignorance with knowledge, error with truth, unreason with reason. "Both sides" of the "debate" are given equal

17. State power may seem to be an exception, but ever since Hobbes it is easy for liberal philosophy to conceive of the state as a kind of individual.

18. For Marxist critiques of rights see Shoikhebrod (2017) and Menke (2020); for a trans critique of rights and legal reform see Spade (2015).

weight.¹⁹ However, power *uses* reason, it is not *bound* by reason, and to enter into a “debate” about trans lives is already to lose. Power is institutionalized in structures that effect direct control over people: the power of the professor over students, the power of academics over staff, the power of the law over the poor. Specific power relationships are embedded within larger power structures oriented around gender, sexuality, race, class, ability, and many other vectors. Giving “both sides” equal weight does nothing but deny the reality of power for political purposes.

In a liberal society based on inequality and oppression, academic and intellectual freedom lose any progressive value they might have by being co-opted into the liberal proceduralism of individual rights. They become a name for a procedure bound to individualism rather than a description of any kind of emancipatory project. Academic freedom as the procedural countering of error by truth, irrationality by reason, can only function if the content (power) of a social relation is left out of the equation, or is at most something external that one might “speak truth to.” As a result, academic freedom finds itself in a conundrum: it is the name of a formal procedure empty of content which still relies on some conception of objective truth. This question – of the objectivity of truth and the procedural search for it – is at the heart of free speech discourse. It is a problem that recurs again and again:

If there is no special status to knowledge, if knowledge is simply a concealment of power, then how can we make... authoritative claims for different fields of knowledge...? And if we cannot identify standards of quality in academic work now, then on what basis could a claim of violating academic freedom rest?... If [postmodern suspicions] were sound, then academic life would just be another scene for political conflict. (Alfino 2014b 444)

Somehow the word got out, in no small measure courtesy of French structural theorists, that knowledge is a social construct, in which universal truths do not exist. The critics of free expression don't believe that there are rational grounds to distinguish right from wrong. (Botstein 2018, 103)

Alfino and Botstein want to argue that there is a special status to knowledge (i.e. that it is independent of power and social relations, that knowledge is objective truth), since in the absence of such a status, reason can no longer claim unchallenged sovereignty over either irrationality or material reality. To argue that there is a special status to knowledge is to presume that there was some time or space prior to decision or choice, that individuals are by nature unconstrained (i.e. subject to only their own power) until the moment they choose to enter into social relations, and only at that point does power become a consideration. When James Turk characterizes

19. In the article that sparked the “Berninghausen debate” of the 1970s between intellectual freedom and social responsibility, David Berninghausen could propose the following as an article of faith: “It is the social responsibility of librarians to select library materials from all producers, from the whole world of published media (not from any approved list), to build balanced collections representing *all points of view* on controversial issues, regardless of their personal convictions or moral beliefs” (Berninghausen 1972, emphasis added).

the problem of intellectual freedom as “who decides what to suppress,” he is presuming that there is an ideal “state of nature” in which ideas, opinions, or values are *unsuppressed*, or in other words, in which individuals can decide for themselves in the absence of power, necessity, or constraint.²⁰ Marx attacked this argument many times, for instance in the “Introduction” he wrote in 1857, in which he characterized bourgeois individualism and idealism as myths of Robinson Crusoe. The perspective that ideas, values, and opinions are freely chosen by autonomous individuals is, as Marx puts it, “as much of an absurdity as is the development of language without individuals living *together* and talking to each other” (Marx 1973, 84). Individualism, freedom, democracy – all of these are liberal ontological assumptions. The inability to question them prevents the problem of decision – of power – from ever being addressed directly, denying any theory of power in favour of a presumption of transparent reason, individualism, and freedom all understood as unquestionable common sense. None of these aspects of liberal thought are, however, as “necessary, universal, and thus preconstituted” (Hardt and Negri 2000, 79) as their adherents would like to believe.

Opposition: Order/Anarchy

In order to develop a conception of academic freedom that rejects the individualism and rationalism that bind it to the white, bourgeois, heteropatriarchy of settler-colonial capitalism, we need to distinguish between two forms of power. As we have seen, the methodological individualism of liberal thought posits the self-determining individual as the basis of all decision and action, with social relations something the individual comes to after the fact. This individualism erases structural oppression by some groups against others – erases power itself – reducing structural oppression or violence to the level of individual “bad apples,” and putting the onus on individuals to try to survive and thrive in conditions of violence and marginalization (what is often called “equality of opportunity”).²¹ Any challenge to the existing social order is only legitimate insofar as it is individual rather than collective and limited to the realm of discourse rather than action. Any form of collective action – coordinated or spontaneous – such as Indigenous pipeline protests, anti-fascist resistance, or simply claiming a shared identity (such as transgender), is automatically out of bounds, considered irrational, disorderly, or politically immature (as if with more

20. We can see this especially in the incoherent conception of “self-censorship,” as if there was some kind of individual decision-making which is not informed by values, culture, understanding, etc., but only by some kind of objective, instrumental rationality (see, for example Wiegand 2020).

21. The belated recognition that some groups were marginalized because of group identity and that individual rights were inadequate to multinational and multiethnic states provoked a debate within liberalism itself (Taylor 1991, 1994; Kymlicka 1995; Tully 1995), but even here “communitarianism” was brought to liberal political theory “from outside,” confronted it as something externally related and distinct (Honneth 1995).

life experience, marginalized people will come to see the virtues of individualism, rationality, deliberation, and incremental reform).²² Knowledge and the search for truth become inextricably bound up with the bourgeois values of social peace, self-control, civility, respect for institutions, process and procedure (“due process” and the “rule of law”). In the Toronto Public Library case, the rule of law meant delegating all responsibility for anti-trans speech to the Criminal Code and the Charter of Rights and Freedoms; in the University of Alberta case it meant insisting on a set of procedures which would protect the faculty member’s right to act as an autonomous individual. All other kinds of action are easily dismissible as the nauseating and unruly behaviour of an ignorant uncivilized mob. The liberal theory of power (in, e.g. Locke, Hobbes, and Mill) pits the individual against the tyranny of the collective, and this model of power remains central to the liberal conception of intellectual and academic freedom. However, Antonio Negri (1991; 1999) has traced an alternative model of power in his work on the history of constituent power, the active life of the “multitude,” and the collective set of social relations into which individuals are born and brought up. Negri derives his particular understanding of the multitude from Spinoza, for whom it describes the social and collective life of individuals without reducing them to a single identity (a people, a nation, etc.). Paolo Virno, another theorist of the multitude, calls it “the form of social and political existence for the many, seen as being many: a permanent form, not an episodic or interstitial form” (Virno 2004, 21). It is tempting to see the eruption of the constituent power of the multitude – in the form say, of the Occupy Wall Street or #BlackLivesMatter movements – as exceptions to the normal order of things, but this is simply because the dominant way of looking at social power privileges the *constituted* power of the procedure and law (in the forms of the state, capital, whiteness, patriarchy, ability, or cisgenderism). In Negri’s view, the multitude is the *original* social state, in which the collective makes its own decisions through the participation of every individual in a form of radical democracy, passing its values and practices, its respect for difference on to each generation. Indigenous ways of valorizing relationality and reciprocity are strong expressions of this idea of constituent power. Michif scholar Tanya Ball identifies not just relationships but *good* relationships as being fundamental to this way of being. Significantly, relationships are considered as broadly as possible: “relationality does not limit itself to human relations. Rather, it includes our relationship to the Land, the elements, and our ancestors... Relationality is constantly in motion as it is crucial to renew our relationships to ensure that we are moving forward in a good way” (Ball 2020). The dynamic of trans rights, intellectual, and academic freedom would be profoundly changed if we rejected the individualism and idealism of liberal thought in favour of a more relational conception of power and

22. In the words of the *Harper’s* letter, “cancel culture” seeks “hasty and disproportionate punishments instead of considered reforms” (Harper’s 2020).

interconnectedness: we would recognize trans lives not as a threat to the dominant social order, but as a rich and important element of the multitude. In *Indigenous Writes*, Chelsea Vowel speaks of the role women and Two Spirit people play in the recovery of a more collective, reciprocal way of life:

Indigenous traditions are not frozen in time any more than other people's traditions are. Our people have been trading more than goods for thousands of years, passing along ceremonies, medicines, and ideas just as easily as copper and fish. We are capable of change and embrace it, as long as that change respects our reciprocal obligations to one another and to the territories in which we live. We do not need to look to Western liberal notions of individual equality that so often ignore our communal existence and insist land and resources must be thought of as property. Instead, we can look to the laws of our Indigenous neighbours if we need to review our traditions. It is precisely this approach that is being taken up by many women and Two Spirit individuals in Indigenous communities as they pursue sexual health, revitalization of language and culture, and renewal of relationships with the land. (Vowel 2017, 110-111)

This emphasis on relationality is present in Negri's work as well, and it is precisely the focus on always-existing social relations that makes the multitude a permanent challenge to the dominant social order which, in his view, always tries to replace the flexible, open relationality of society with a rigid, hierarchical order, the better to exploit labour and destroy solidarity, cooperation, and reciprocal social bonds. Indeed, as we have seen, it is the individualism of the dominant order – the individualism that infuses intellectual and academic freedom – that makes liberal thought unable to comprehend structural violence or harm. When, for example, James Turk reduces the harm done by TPL's support of transmisia to "offense" (Turk 2019), or when defenders of pure academic freedom deny the fact of harm (Sale 2020), it is because they see violence as something that happens by and to individuals. Judith Butler, however, argues that violence is something that happens not to individuals but to social bonds, to relationality and reciprocity as such (Butler 2020). By only conceiving of academic freedom in individualist terms, the violence done by librarianships' (immaterial) classification systems, organizational practices, etc., can only be seen as offensive rather than violent.²³ For example, in academic librarianship, we can see this in the (supremely rational) construction of taxonomical hierarchies, such as the Library of Congress Subject Headings and LC classification system, which exclude, misidentify, and oppress trans people (Johnson 2010; Roberto 2011; Billey, Drabinski, Roberto 2014). The centrality of such rigid structures of organization and division to scientific truth in liberal thought is directly challenged by Indigenous, feminist, postmodern or Marxist views of social construction, historical change, and relationality. By centering isolated, individual entities rather

23. And yet, the reverse is also true: any group considered to challenge the social order is always labeled violent in advance (see Butler 2020, 4).

than relationships, taxonomies reproduce a liberal worldview based on binary logic. When we reconceive violence as having social relationships themselves as its target, then it is easier to recognize the structural violence of transmisia in libraries and academia.

For Negri, the distinction between the self-determining constituent power of the multitude and the rigid social order of constituted power came about in the Early Modern period in a struggle that was won by absolute monarchies. The ideology used to justify absolutism – first of monarchy, later of capital – was the bourgeois ideology of liberalism in which individualism, reason, freedom, and order are constructed and deployed in order to harness the rich creativity and cooperation of the multitude to the goals of “the instrumental rationality of the capitalist mode of production of the world” (Negri 1999, 323). For librarians as knowledge workers, the tendency towards “ordering” is a powerful urge; in her work on the politics of representation in libraries, Hope Olsen has called images of order “antidotes to a fear of anarchy” (Olsen 2002, 16), a fear which Negri traces back to the struggle between the immanent social power of the multitude and the controlling, disciplining power of the state and capital. What is significant to a discussion of the irrationality of disorder, of non-binary reality, is that reason itself is a product of this struggle, a political tool used “to *construct* orders” to “the standards demanded by knowledge, or understanding, or certainty” (Taylor 1989, 147). By displacing the standards demanded by the monarch, the state, or capital onto knowledge itself – standards such as order, individualism, binary oppositions, logical procedures, etc. – liberal thought attempts to legitimize those standards by making them part of a transcendental intellectual order unsullied by squalid material politics (i.e. subsumed under the mind/body dualism identified earlier). Reason and knowledge thereby support each other in their opposition to power, and can only be understood in their own terms, not by reference to the lived experience of real people engaged in political struggle.

The inability to think of reason and knowledge except in their own terms is the aporia that exposes ideological liberal thought’s insistence that liberal values and perspectives (including procedures and methods) are the best and only defense against absolute tyranny (either of the state or society itself). The individual, the individual’s reason, and reason as an alternative to power become the bases for a particular set of structural power relationships in capitalist society: the specific forms of racism, heteropatriarchy, transmisia, and ableism that, in Dean Spade’s words, “arrange people through categories of indigeneity, race, gender, ability, and national origin to produce populations with different levels of vulnerability to economic exploitation, violence, and poverty” (Spade 2015, 2). The prioritizing of individual reason as both driver of a disinterested search for the truth and as

resistor to tyrannical power makes individualism an attractive narrative in a society constructed on such tyranny and oppression. But precisely because individualism is a cornerstone of the bourgeois ideology, it is all-too-easily recuperated to support the tyranny it pretends to challenge. The “Galilean ideal” (Alfino 2014b, 441) of an individual academic speaking truth to collective power serves just as much as structural violence to sever the social bonds, the relationality and reciprocity, that are the foundation of constituent power. As a result, the individualist model of academic freedom, while it *appears* to work towards social justice and progress, in fact implicates academia and librarianship more deeply in the structures of oppression of late capitalism. The heroic individualism which underpins academic freedom cuts professors and librarians off from all reciprocity and relationality, all accountability towards the community in which they live and work; indeed, the primary focus of dogmatic academic freedom is unaccountability, just as it is in the *Harper’s* letter on cancel culture.²⁴ Cree-Métis scholar and librarian Jessie Loyer has argued that such accountability, relationality, and reciprocity must be reinscribed within librarianship, and this reinscription is perhaps most urgently needed in our conception of academic freedom, given the corrosive, unaccountable individualism that refuses the materiality of social relations themselves. Loyer writes that

In the same way that Indigenous activism critiques mainstream social justice movements for their lack of long-term relationship building and their ethics devoid of a relationship to land, librarianship (even critical librarianship) lacks a rigorous understanding of relationality (defined roles in how we are related to each other) and reciprocity (who we are accountable to and responsible for) that characterizes Indigenous perspectives on librarianship. (Loyer 2018, 145)

The individualism of liberal philosophy, expressed clearly in academic freedom, refuses all relationality and reciprocity, refuses all material considerations in favour of the pure, unfettered rational “freedom” of the life of the mind.

Once we recognize the place of accountability and reciprocity in our social relations, then the dualisms of freedom and censorship fall away. The classic liberal positioning of a pure, unadulterated intellectual and academic freedom against a tyrannical censorship stops making sense when we understand the fact that intellectual and academic activity arise out of our social relationships, and take place within a social context with responsibility and accountability towards others. In this way, too, the old library dualism of intellectual freedom and social responsibility

24. For Gramsci, traditional intellectuals such as academics “put themselves forward as autonomous and independent of the dominant social group” while in fact they are organically bound to the interests of that group (Gramsci 1971, 7).

is also overcome: there is no freedom without necessity, no freedom without responsibility.

Reconceiving academic freedom in this way requires taking seriously the notion of constituent power. The individual is not, as in Mill, fighting a lonely fight against the tyranny of society or of the state, but is part of a network of social relations seeking to flourish in a social way, a multitude which is constantly struggling for a society “in which the free development of each is a condition for the free development of all” (Marx and Engels 1967, 105) *and vice versa*. The power which makes this flourishing possible is the constituent power of the multitude, and it is always being limited and restrained by some form or other of constituted power: capital, the state, the church, but also those ideologies – like “gender critical feminism” – which seek to deny the full humanity of some group within the struggling multitude. This is because participating in constituted power and the wealth and privilege it confers has been constructed as an individualized good, something to be chased after as an illusory replacement for the real flourishing of social relationships (see Marx and Engels 1967, 82). But this participation is in and of itself an alienation, serving only the construction and reproduction of constituted power as such.

Conclusion

Constituent power can help bring together different strands of the critique of liberal politics predicated on individualism and reason, without forcing those strands to give up their specificity. Indigenous sovereignty, feminism, trans activism, disability rights activism: all of these can be recuperated into the standard logics of liberal-capitalist rationality if they misplace or misconceive the social nature of power. For example, Dean Spade notes that various anti-liberal counternarratives have shown that “power is decentralized and that certain practices, ways of knowing, norms, and technologies of power are distributed in myriad ways rather than only from a single person or institution” (Spade 2015, 2). The decentralized view of power risks losing sight of the ways in which power is concentrated and differentiated; one of the main critiques of Foucault’s theory of power on which Spade draws is that if power is everywhere, then it is nowhere, a view which comes close to the evacuation of power maintained by liberal thinking. The theory of constituent power allows us to recognize that while power is indeed not held by particular individuals, it *is* socially differentiated and concentrated in particular structures, mechanisms, and procedures, thus dialectically refusing the false binary of “everywhere” and “nowhere” as such.

For Mill and other defenders of an absolute conception of (intellectual) freedom and the ability of reason to vanquish power, power is indeed “nowhere.” There is instead, as we have seen, only individuals’ ideas, beliefs, or opinions. Responses to ideas, beliefs, and opinions can only be assent, dissent, or offense; and only the first two are legitimate (i.e. rational). Knowledge in this view never breaks out of the closed circle of discourse into the material realm; truth and falsehood are empirical and never affected or determined by the social world. As a result, concern over the real harm done by white nationalists, gender essentialists, anti-Semites or other “truthers” is fundamentally designated irrational, ignorable, or dismissible by academic freedom. In its version of mind-body dualism, the search for truth can admit nothing stronger than offense; it can definitely never recognize real harm. However, not all arguments, as Sartre demonstrated with respect to anti-Semitism, are in good faith (Sartre 1954, 22-23), and many of them, indeed, serve only bigotry and intolerance.

To return then, to the question of academic freedom in library work. We must recognize that if reason and freedom are both mediated concepts, then we must rely on political commitments (or, to put it another way, values-in-action) as essential to academic librarianship, and not allow rationalist, individualist, and instrumental conceptions of academic freedom to disarm those commitments. We must not be tempted to forego our political allegiances to constituent power, to marginalized people, to human flourishing by the “rational” question of the “truth” or “falsehood” of, say, biology. To ignore our allegiances in favour of reason, truth, and procedures of knowledge production, of facts conceived as immediate and transparent, is to sell out oppressed people in favour of the constituted power of white, bourgeois patriarchy itself.

The Renaissance humanists placed happiness above the search for truth: “how could one possibly refuse to recognize that well-being or the good is superior to mere truth?” (Garin 1965, 31). But any question of “the good” is automatically a political question, as Aristotle recognized. And while, for the humanists a contemplative life was ardently to be desired, they also recognized that in the imperfect, irrational world in which we live (and here I might add, the *alienated* world), pure contemplation is a luxury we cannot afford. The great crisis of the dawn of modernity that Negri characterizes as a struggle between constituted and constituent power, the Renaissance scholar Eugenio Garin describes as a struggle between the contemplative life reserved for the world to come and the *vita activa*, the life of action and engagement required of us today. Garin writes that the crisis of the Renaissance which is still with us was a battle “between two opposing conceptions of life and philosophy” (Garin 1965, 36): a human conception of action and creativity that

Negri associates with constituent power and an Aristotelian ideal of knowledge and contemplation – of social justice dismissed to an indeterminate future – that serves only the constituted power of the state and its dominant classes.

In all the recent struggles over intellectual freedom and trans rights in libraries we should not be called upon to debate the humanity of people, to take our time in contemplation in order to rationally arrive at some final, static truth. We must resist and reject this contemplative “intellectually free” temptation, cut off from the loss of trans lives and the urgency required of our response. Instead, we are called upon to act in the name of happiness rather than search for some unmediated truth; the happiness of marginalized people, oppressed people, exploited people, the happiness of society at large. Such happiness will never be *rationally* arrived at or guaranteed through debate and deliberation; social structures and ideologies are too powerful to allow it, if it’s possible at all. Rather, we must put rationality in its proper place, alongside the irrational, and *will* the world we want to put into effect. This too was a lesson of the Renaissance: Salutati’s conception of the good “was by no means a mere natural good which one obtains as one might obtain a gift; but... is a good which has to be *willed* and which is therefore something precious, something that has to be worked for with great effort” (Garin 1965, 31). Recentring the materiality of the body, Sara Ahmed writes that “willfulness becomes a vital and shared inheritance... a reopening of what might have been closed down, a modification of what seems reachable, and a revitalization of what it is to be for” (Ahmed 2014, 140). Dominant conceptions of academic freedom and free speech are an attempt to arrive at the good through rational deliberation alone; as such, academic freedom and free speech can only benefit those who have the most to fear by the irrational irrepressible willfulness of the multitude and its constituent power. Academic librarians, occupying a dialectical position between pure intellectuality and social labour, are well-placed to spearhead an alternative conception of academic freedom, one which takes social identity and position seriously, and which chooses a side in the perennial antagonism between quite distinct forms of power itself.

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REFERENCES

- Ahmed, Sara. 2015. “Against Students.” *The New Inquiry*, June 29, 2015. thenewinquiry.com/against-students/
- . 2014. *Willful Subjects*. Durham, NC: Duke University Press.
- Alfino, Mark. 2014a. “Philosophies of Intellectual Freedom.” In *The Library Juice Press Handbook of Intellectual Freedom: Concepts, Cases, and Theories*, edited by Mark Alfino and Laura Koltutsky, 9-40. Sacramento: Library Juice Press.

- . 2014b. "Academic and Intellectual Freedom." In *The Library Juice Press Handbook of Intellectual Freedom: Concepts, Cases, and Theories*, edited by Mark Alfino and Laura Koltutsky, 440-460. Sacramento: Library Juice Press.
- Alfino, Mark and Laura Koltutsky (eds). 2014. *The Library Juice Press Handbook of Intellectual Freedom: Concepts, Cases, and Theories*. Sacramento: Library Juice Press.
- Archer, Margaret. 2003. *Structure, Agency and the Internal Conversation*. Cambridge: Cambridge University Press.
- Bak, Greg, Tolly Bradford, Jessie Loyer, and Elizabeth Walker. 2017. "Four Views on Archival Decolonization Inspired by the TRC's Calls to Action." *Fonds d'Archives* 1: 1-21. doi.org/10.29173/fa3
- Ball, Tanya. 2020. "Michif Storytelling: Connecting us to the Dead." *Talk Death*, July 13, 2020. talkdeath.com/michif-storytelling-connecting-us-to-the-dead/
- Berger, Peter L., and Thomas Luckmann. 1966. *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*. New York: Anchor Books.
- Berninghausen, David. 1972. "Social Responsibility vs. The Library Bill of Rights." *Library Journal*, November 15, 1972: 3675-81.
- Bhaskar, Roy. 1979. *The Possibility of Naturalism: A Philosophical Critique of the Contemporary Human Sciences*. Brighton: Harvester Press.
- Billey, Amber, Emily Drabinski, and K.R. Roberto. 2014. "What's Gender Got To Do With It? A Critique of RDA 9.7." *Cataloging & Classification Quarterly* 52(4): 412-421. doi.org/10.1080/01639374.2014.882465
- Black, Alistair, Simon Pepper, and Kaye Bagshaw. 2017. *Books, Buildings and Social Engineering: Early Public Libraries in Britain*. Abingdon: Routledge.
- Bone, Christine, and Brett Loughheed. 2018. "Library of Congress Subject Headings Related to Indigenous Peoples: Changing LCSH for Use in a Canadian Archival Context." *Cataloging & Classification Quarterly* 56(1): 83-95. doi.org/10.1080/01639374.2017.1382641
- Botstein, Leon. 2018. "Academic Freedom in the US and its Enemies: A Polemic." In *Academic Freedom: The Global Challenge*, edited by Michael Ignatieff and Stefan Roch, 101-110. Budapest: Central European University Press.
- Bowles, Vickery. 2019a. "Statement from City Librarian on Room Rental Event." Toronto Public Library, October 12, 2019. torontopubliclibrary.typepad.com/news_releases/2019/10/statement-from-city-librarian-on-room-rental-event.html
- . 2019b. "City Librarian Statement on Upcoming Third-Party Room Rental Event." Toronto Public Library, October 15, 2019. torontopubliclibrary.typepad.com/news_releases/2019/10/city-librarian-statement-on-upcoming-third-party-room-rental-event.html
- Bragg, Billy. 2020. "'Cancel Culture' Doesn't Stifle Debate, but it Does Challenge the Old Order." *The Guardian*, July 10, 2020. theguardian.com/commentisfree/2020/jul/10/free-speech-young-people
- Butler, Judith. 2020. *The Force of Non-Violence: An Ethico-Political Bind*. New York: Verso.
- Caidi, Nadia, J.J. Ghaddar, and Danielle Allard. 2017. "Negotiating Borders: Librarianship and Twenty-First Century Politics." *Library Quarterly* 87(4): 391-409. doi.org/10.1086/693493
- Davies, William. 2018. "The Free Speech Panic: How the Far Right Concocted a Crisis." *The Guardian*, July 26 2018. theguardian.com/news/2018/jul/26/the-free-speech-panic-censorship-how-the-right-concocted-a-crisis
- Donegan, Moira. 2020. "Yes, social media can be asinine – but 'cancelled' pundits like Bari Weiss aren't the victims." *The Guardian*, July 15, 2020. theguardian.com/commentisfree/2020/jul/15/bari-weiss-new-york-times-resignation-cancel-culture

- Fazackerley, Anna. 2020. "Sacked or Silenced: Academics Say They are Blocked from Exploring Trans Issues." *The Guardian*, January 14, 2020. [theguardian.com/education/2020/jan/14/sacked-silenced-academics-say-they-are-blocked-from-exploring-trans-issues](https://www.theguardian.com/education/2020/jan/14/sacked-silenced-academics-say-they-are-blocked-from-exploring-trans-issues)
- Feinberg, Leslie. 1998. *Trans Liberation: Beyond Pink or Blue*. Boston: Beacon Press.
- Fish, Stanley. 2006. "The Trouble with Tolerance." *The Chronicle of Higher Education*, November 10, 2006. [chronicle.com/article/The-Trouble-With-Tolerance/15042](https://www.chronicle.com/article/The-Trouble-With-Tolerance/15042)
- Fraser, Nancy, and Axel Honneth. 2003. *Redistribution or Recognition? A Political-Philosophical Exchange*. New York: Verso.
- Garin, Eugenio. 1965. *Italian Humanism: Philosophy and Civic Life in the Renaissance*. Oxford: Basil Blackwell.
- Gramsci, Antonio. 1971. *Selections from the Prison Notebooks*, edited and translated by Quintin Hoare and Geoffrey Nowell Smith. New York: International Publishers.
- Hardt, Michael, and Antonio Negri. 2000. *Empire*. Cambridge: Harvard University Press.
- Harris, Michael H. 1986. "The Dialectic of Defeat: Antimonies of Research in Library and Information Studies." *Library Trends* 34(3): 515-531.
- Harper's. 2020. "A Letter on Justice and Open Debate." *Harper's Magazine*, July 7, 2020. harpers.org/a-letter-on-justice-and-open-debate/
- Higgins, Molly. 2016. "Totally Invisible: Asian American Representation in the Dewey Decimal Classification, 1876-1996." *Knowledge Organization* 43(8): 609-621.
- Honneth, Axel. 1995. *The Struggle for Recognition: The Moral Grammar of Social Conflicts*. Cambridge: MIT Press.
- Hudson, David James. 2017. "The Whiteness of Practicality." In *Topographies of Whiteness: Mapping Whiteness in Library and Information Studies*, edited by Gina Schlesselman-Tarango, 203-234. Sacramento: Library Juice Press.
- Huncar, Andrea. 2020. "Alberta's top RCMP officer vows to stamp out systemic racism after denying it existed." *CBC News*, June 12, 2020. [cbc.ca/news/canada/edmonton/alberta-s-top-rcmp-officer-vows-to-stamp-out-systemic-racism-after-denying-it-existed-1.5610052](https://www.cbc.ca/news/canada/edmonton/alberta-s-top-rcmp-officer-vows-to-stamp-out-systemic-racism-after-denying-it-existed-1.5610052)
- Johnson, Matt. 2010. "Transgender Subject Access: History and Current Practice." *Cataloging and Classification Quarterly* 48(8): 661-683. doi.org/10.1080/01639370903534398
- Kandiuk, Mary, and Harriet M. Sonne de Torrens. 2015. "Librarians in a Religious Age and the Attack on Academic Freedom," in *Advances in Librarianship 39: Current Issues in Libraries, Information Science and Related Fields*, edited by Anne Woodsworth and W. David Penniman, 3-46. Bingley, UK: Emerald.
- Kymlicka, Will. 1995. *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Oxford: Oxford University Press.
- Lowrey, Kathleen. 2020. "From South American Anthropology to Gender-Crit Cancel Culture: My Strange Feminist Journey." *Quillette*, June 12, 2020. [quillette.com/2020/06/12/from-south-american-anthropology-to-gender-crit-cancel-culture-my-strange-feminist-journey/](https://www.quillette.com/2020/06/12/from-south-american-anthropology-to-gender-crit-cancel-culture-my-strange-feminist-journey/)
- Loyer, Jessie. 2018. "Indigenous Information Literacy: nêhiyaw Kinship Enabling Self-Care in Research." In *The Politics of Theory and the Practice of Critical Librarianship*, edited by Karen P. Nicholson and Maura Seale, 145-156. Sacramento: Library Juice Press.
- Lukács, Georg. 1971. *History and Class Consciousness: Studies in Marxist Dialectics*. Cambridge: MIT Press.
- MacKinnon, Peter. 2018. *University Commons Divided: Exploring Debate & Dissent on Campus*. Toronto: University of Toronto Press.
- Malik, Nesrine. 2019. "The Myth of the Free Speech Crisis." *The Guardian*, September 3, 2019. [theguardian.com/world/2019/sep/03/the-myth-of-the-free-speech-crisis](https://www.theguardian.com/world/2019/sep/03/the-myth-of-the-free-speech-crisis)
- Malm, Andreas. 2018. *The Progress of this Storm: Nature and Society in a Warming World*. New York: Verso.

- Marx, Karl. 1973. *Grundrisse*. London: Pelican Books.
- Marx, Karl, and Frederick Engels. 1976. *The German Ideology*. Moscow: Progress Publishers.
- . 1967. *The Communist Manifesto*. London: Penguin Books.
- Menke, Christoph. 2020. *Critique of Rights*. Cambridge: Polity Press.
- Mill, John Stuart. 1991. *On Liberty: In Focus*, edited by John Gray and G.W. Smith. London, New York: Routledge.
- Morris, Jan. 1974. *Conundrum*. New York: Harcourt Brace Jovanovitch.
- Negri, Antonio. 1999. *Insurgencies: Constituent Power and the Modern State*. Minneapolis: University of Minnesota Press.
- . 1991. *The Savage Anomaly: The Power of Spinoza's Metaphysics and Politics*. Minneapolis: University of Minnesota Press.
- . 1970. *Descartes politico o della ragionevole ideologia*. Milano: Feltrinelli.
- Nicholson, Karen P. 2017. "The 'Value Agenda': Negotiating a Path Between Compliance and Critical Practice." Keynote address, Canadian Libraries Assessment Workshop (CLAW). University of Victoria, October 26, 2017.
- Olsen, Hope. 2002. *The Power to Name: Locating the Limits of Subject Representation in Libraries*. Alphen an den Rijn, NL: Kluwer.
- Popowich, Sam. 2019a. "Taking Words Seriously." *Redlibrarian* blog, November 7, 2019. redlibrarian.github.io/article/2019/11/07/taking-words-seriously.html
- . 2019b. "Free Speech and Discourse Analysis." *Redlibrarian* blog, November 9, 2019. redlibrarian.github.io/article/2019/11/09/free-speech-and-discourse-analysis.html
- . 2019c. *Confronting the Democratic Discourse of Librarianship: A Marxist Approach*. Sacramento: Library Juice Press.
- Practical Androgyny. 2011. "How Transgender Organizations can Demonstrate Inclusivity." April 28, 2011. practicalandrogyny.com/2011/04/28/transgender-organisation-inclusivity/
- Rawls, John. 2009. *A Theory of Justice*, Revised Edition. Cambridge: Harvard University Press.
- Roberto, K.R. 2011. "Inflexible Bodies: Metadata for Transgender Identities." *Journal of Information Ethics* 20(2): 56-64. doi.org/10.3172/JIE.20.2.56
- Rockefeller, Steven C. 1994. "Commentary." In Charles Taylor, *Multiculturalism: Exploring the Politics of Recognition*, 87-98. Princeton: Princeton University Press.
- Robertson, Becky. 2019. "Toronto Library Meeting Ends with Decision to Move Forward with Controversial Event." *blogTO*. blogto.com/arts/2019/10/toronto-library-meeting/
- Sale, Carolyn. 2020. "Academic Freedom and Perceptions of Harm." *Ryerson Centre for Free Expression* blog, June 2, 2020. cfe.ryerson.ca/blog/2020/06/academic-freedom-and-perceptions-harm
- Sartre, Jean-Paul. 1954. *Réflexions sur la Question Juive*. Paris: Gallimard.
- Sass, A.J. 2020. "I'm a Nonbinary Writer of Youth Literature. J.K. Rowling's Comments on Gender Identity Reinforced My Commitment to Better Representation." *Time*, June 19, 2020. time.com/5855633/jk-rowling-gender-identity/
- Schlesselman-Tarango, Gina. 2016. "The Legacy of Lady Bountiful: White Women in the Library." *Library Trends* 64(4): 667-686. doi.org/10.1353/lib.2016.0015
- Schrader, Alvin M. 2020. "Should Public Library Boards Embrace Intellectual Freedom as their Institutional Soul." *Ryerson Centre for Free Expression* blog, April 27, 2020. cfe.ryerson.ca/blog/2020/04/should-public-library-boards-embrace-intellectual-freedom-their-institutional-soul

- . 2019. "Can Public Libraries Maintain their Commitment to Intellectual Freedom in the Face of Outrage over Unpopular Speakers." *Ryerson Centre for Free Expression* blog, August 15, 2019. cfe.ryerson.ca/blog/2019/08/can-public-libraries-maintain-their-commitment-intellectual-freedom-face-outrage-over
- Shoikhedbrod, Igor. 2017. "Re-Hegelianizing Marx on Rights." *Hegel Bulletin* 40(2): 281-300. doi.org/10.1017/hgl.2017.2
- Sloniowski, Lisa. 2012. "This is Not a Love Story: Libraries and Feminist Porn." *Access*, Spring 2012: 14-17.
- Sommer, Marni, Virginia Kamowa, and Therese Mahon. 2020. "Opinion: Creating a More Equal Post-COVID-19 World for People who Menstruate." *Devex*, May 28, 2020. devex.com/news/sponsored/opinion-creating-a-more-equal-post-covid-19-world-for-people-who-menstruate-97312#. XtwLnvoaEeR.twitter
- Spade, Dean. 2015. *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of Law*. Durham, NC: Duke University Press.
- Stanley, Eric A., and Nat Smith. 2011. *Captive Genders: Trans Embodiment and the Prison Industrial Complex*. Oakland: AK Press.
- Stryker, Susan. 2008. "Transgender History, Homonormativity, and Disciplinarity." *Radical History Review* 100: 145-157. doi.org/10.1215/01636545-2007-026
- Tasker, John Paul. 2020. "Systemic racism exists in the RCMP, Commissioner Brenda Lucki says." *CBC News*, June 12, 2020. [cbc.ca/news/politics/brenda-lucki-systemic-racism-rcmp-1.5610355](https://www.cbc.ca/news/politics/brenda-lucki-systemic-racism-rcmp-1.5610355)
- Taylor, Charles. 1994. *Multiculturalism: Examining the Politics of Recognition*. Princeton: Princeton University Press.
- . 1991. *The Malaise of Modernity*. Toronto: House of Anansi.
- . 1989. *The Sources of the Self: The Making of Modern Identity*. Cambridge: Harvard University Press.
- Taylor, Catherine and Tracey Peter. 2011. "Every Class in Every School: Final Report on the First National Climate Survey on Homophobia, Biphobia, and Transphobia in Canadian Schools." Toronto: Egale. egale.ca/awareness/every-class/
- TPL. 2018. "Community and Event Space Rental." Toronto Public Library, January 1, 2018. torontopubliclibrary.ca/terms-of-use/library-policies/community-and-event-space.jsp
- TPL. 2017. "Community and Event Space Rental Policy – Revisions." Toronto Public Library, December 11, 2017. torontopubliclibrary.ca/content/about-the-library/pdfs/board/meetings/2017/dec11/04-community-and-event-space-rental-policy-revisions-combined.pdf
- Tully, James. 1995. *Strange Multiplicity: Constitutionalism in an Age of Diversity*. Cambridge: Cambridge University Press.
- Turk, James. 2019. "Social Justice Requires Intellectual Freedom – Why the Toronto Public Library Should Refuse to Deplatform Meghan Murphy." *Ryerson Centre for Free Expression* blog, October 17, 2019. cfe.ryerson.ca/blog/2019/10/social-justice-requires-intellectual-freedom-why-toronto-public-library-should-refuse
- Virno, Paolo. 2004. *A Grammar of the Multitude*. Pasadena: Semiotext(e).
- Vowel, Chelsea. 2017. *Indigenous Writes: A Guide to First Nations, Métis & Inuit Issues in Canada*. Winnipeg: Portage and Main Press.
- Wiegand, Wayne. 2020. "Sanitizing American Library History: Reflections of a Library Historian." *Library Quarterly* 90(2): 108-120. doi.org/10.1086/707669
- . 1986. *The Politics of an Emerging Profession: The American Library Association, 1876-1917*. New York: Greenwood Press.

- Winsa, Patti. 2019. "Protestors gather outside public library as controversial feminist Meghan Murphy lectures to packed room." *The Star*, October 29, 2019. thestar.com/news/gta/2019/10/29/protestors-gather-outside-public-library-as-controversial-feminist-meghan-murphy-lectures-to-packed-room.html
- Wolff, Jonathan. 2020. "Why Toby Young and Other Robust White Men are Using Free Speech to Whip Universities." *The Guardian*, March 3, 2020. theguardian.com/education/2020/mar/03/toby-young-white-men-free-speech-whip-universities
- Zacny, Rob. 2019. "JK Rowling's Transphobia Wasn't Hard to Find, She Wrote a Book About It." *Vice*, December 20, 2019. vice.com/en_us/article/pkeynz/jk-rowlings-transphobia-wasnt-hard-to-find-she-wrote-a-book-about-it